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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/263,918 03/05/99 SKARPNESS M 042390.P6054

EXAMINER

WM02/1222

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ART UNIT	PAPER NUMBER

2663
DATE MAILED:

12/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/263,918	Applicant(s) Skarpness et al	
	Examiner Soon-Dong Hyun	Group Art Unit 2663	

☒ Responsive to communication(s) filed on Mar 3, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-16 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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DETAILED ACTION

Drawings

1. Applicant is required to submit a proposed drawing correction in reply to the form PTO-948 attached to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Claim Objections

2. Claim 16 is objected to because of the following informalities: "a second section" should be changed to -- a third code section --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear what is disclosed in the specification for the steps or procedures of the examining, determining and updating.

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Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller et al (U.S. Patent No. 5,796,735).

Regarding claims 1 and 4, Miller et al (Miller)discloses a method for segmenting of CS-PDUs (data) to transmit under an ATM standard. See col. 8, line 21-col. 12, line 65. A host memory (280) of a host computer receives and stores the CS-PDUs to send, i.e., the step of receiving. A SAR circuit (201) reads 48 bytes of the CS-PDUs from the host memory each cycle to generate a plurality of ATM cells (see col. 11, lines 64-66), i.e., the step of segmenting. A transmit ready FIFO (260a) buffers the plurality of the ATM cells (see col. 12, lines 19-21), i.e., the step of buffering. The host computer (CPU of claim 4) shapes the buffered ATM cells by adding null cells and absorbing a latency (see col. 12, lines 46-65), i.e., the step of shaping. A PHY 205 transmits the plurality of ATM cells on a network (211), i.e., the step of transmitting.

Regarding claim 2, it is inherent that the PTI (a virtual channel information) is differently coded to indicate a congestion.

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Regarding claim 3, Miller further discloses a software driver which runs on the host computer provides control of the operation of the SAR circuit (see col. 5, lines 51-54), i.e., the operation of segmenting data is performed by a central processing unit (CPU) of a computer.

Regarding claims 9 and 10, Miller discloses a method for reassembling of a CS-PDU with a plurality of ATM cells under an ATM standard. See col. 6, line 6- col. 8, line 20. A PHY (205) receives the CS-PDU comprising the plurality of ATM cells from a network (212) and the received ATM cells are written into a RX FIFO 271 (an input buffer), i.e., the function of receiving in the claim is implemented. An SAR circuit (201) reads the ATM cells from the RX FIFO to retrieve payload portions from the plurality of the ATM cells to corresponding the CS-PDU (a payload data unit) belonging to a combination VPI/VCI until all ATM cells in the CS-PDU are received (see col. 7, lines 14-20), the function of retrieving in the claim is implemented. Each CS-PDU has a header and a trailer which provide identification, size and error control (see col. 2, lines 16-22) and an SAR-PDU has 10 bit CRC for error checking (see col. 2, lines 31-34). Therefore, checking a CRC to determine whether data was received without error at a receiving end and dropping the payload unit when the CRC indicates an error are inherent procedures, i.e., the function of checking and dropping in the claims are implemented.

Regarding claim 11, Miller further discloses a host memory (280) for reassembling (see col. 7, lines 35-48).

Regarding claims 5 and 14-16, Miller discloses the software driver (a program storage device) which runs on the host computer provides control of the operation of the SAR circuit 201

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as discussed for the claims 1 and 9. Therefore, the above processing of the ATM cells are controlled according to the program's instructions in a plurality of code sections (at least a first, a second and a third code section of the software driver) to the CPU of the computer.

Regarding claim 6, refer to the discussion for the claim 2 above.

Regarding claims 7 and 12, Miller further discloses a partial error control cyclic redundancy code (CRC) checksum to keep track of the CS-PDU's integrity. See col. 7, lines 9-11.

Regarding claim 8, a padding procedure is inherently required to keep a payload section in each cell 48 bytes when the data is not sufficient to fill the payload section.

Regarding claim 13, Miller further discloses the end of a CS-PDU, i.e., an end of payload data unit marker. See col. 7, lines 49-52.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5726985 (Daniel et al), 5742765 (Wong et al), and 5751698

(Cushman et al) relate to segmentation and reassembly of ATM cells

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soon-Dong Hyun whose telephone number is (703) 305-4550. The examiner can normally be reached on Monday-Friday from 8:30 A.M. to 5:30 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen, can be reached on (703) 308-5340.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Assistant Commissioner for Patents

Washington, D.C. 20231

Or faxed to:

(703) 308-9051 for formal communications intended for entry with a label of

“OFFICIAL”

(703) 305-3988 for informal or draft communications with a label of

“PROPOSED” or “DRAFT” (attn: Art Unit 2663, Soon-Dong Hyun).

S. Hyun

12/18/2000



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
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